



General Assembly

***Substitute Bill No. 88***

*February Session, 2000*

***An Act Concerning The Department Of Mental Retardation  
Registry Of Individuals Terminated Or Separated From  
Employment As A Result Of Substantiated Abuse Or Neglect.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-247a of the general statutes is repealed and  
2 the following is substituted in lieu thereof:

3 As used in sections 17a-247b to 17a-247e, inclusive, as amended by  
4 this act, and subdivision (31) of subsection (a) of section 2c-2b:

5 (1) "Abuse" means the wilful infliction by an employee of physical  
6 pain or injury or the wilful deprivation of services necessary to the  
7 physical and mental health and safety of a department client.

8 (2) "Authorized agency" means any agency authorized in  
9 accordance with the general statutes to conduct abuse and neglect  
10 investigations and responsible for issuing or carrying out protective  
11 services for persons with mental retardation.

12 (3) "Commissioner" means the Commissioner of Mental Retardation.

13 (4) "Department" means the Department of Mental Retardation.

14 (5) "Department client" means a person who is eligible for, and  
15 receives services or funding from, the department.

16 (6) "Employee" means any individual employed (A) by the  
17 department, or (B) by an agency, organization or individual that is  
18 licensed or funded by the department.

19 (7) "Employer" means (A) the department, or (B) an agency,  
20 organization or individual that is licensed or funded by the  
21 department.

22 (8) "Neglect" means the failure by an employee, through action or  
23 inaction, to provide a department client with the services necessary to  
24 maintain [his] such client's physical and mental health and safety.

25 (9) "Protective services" has the same meaning [assigned to it] as  
26 provided in section 46a-11a.

27 (10) "Registry" means a centralized data base containing information  
28 regarding substantiated abuse or neglect.

29 (11) "Substantiated abuse or neglect" means a determination by an  
30 authorized agency, following an investigation conducted or monitored  
31 by such agency, that (A) abuse or neglect of a department client has  
32 occurred, or (B) there has been a criminal conviction of a felony or  
33 misdemeanor involving abuse or neglect.

34 Sec. 2. Section 17a-247b of the general statutes is repealed and the  
35 following is substituted in lieu thereof:

36 (a) The Department of Mental Retardation shall establish and  
37 maintain a registry of individuals who have been terminated or  
38 separated from employment as a result of substantiated abuse or  
39 neglect. The department shall, for the purposes of maintaining the  
40 registry, be capable of responding to inquiries [, including response by  
41 telephone voice mail or other automated response for initial inquiries,]  
42 in accordance with subsection (c) of this section as to whether an  
43 individual has been terminated or separated from employment as a  
44 result of substantiated abuse or neglect. Such capability may include  
45 response by telephone voice mail or other automated response for

46 initial inquiries.

47 (b) The registry shall include, but not be limited to, the following: (1)  
48 The names, addresses and Social Security numbers of those  
49 individuals terminated or separated from employment as a result of  
50 substantiated abuse or neglect; (2) the date of termination or  
51 separation; (3) the type of abuse or neglect; and (4) the name of any  
52 employer or authorized agency requesting information from the  
53 registry, the reason for the request and the date of the request.

54 (c) The department shall make information in the registry [, other  
55 than limited information available through an automated response to  
56 an initial inquiry,] available only to: (1) Authorized agencies, for the  
57 purpose of protective service determinations; or (2) employers who  
58 employ individuals to provide services to a department client.

59 (d) The department shall limit responses to requests for identifying  
60 information from the registry established under this section to (1)  
61 identification of the individual terminated or separated from  
62 employment for substantiated abuse or neglect, and (2) the type of  
63 abuse or neglect so substantiated.

64 (e) Not later than five business days following receipt of written  
65 notification by an authorized agency of the substantiation of abuse or  
66 neglect by an employee who has been terminated or separated from  
67 employment for such abuse or neglect, an employer shall submit to the  
68 department the name of such employee and such other information as  
69 the department may request. Upon receipt of notification of such  
70 termination or separation, the department shall conduct a hearing in  
71 accordance with sections 4-177 to 4-181a, inclusive, governing  
72 contested cases. The department shall not place an individual's name  
73 on the registry until the department has completed the hearing and the  
74 hearing has resulted in a decision to place the individual's name on the  
75 registry.

76 (f) The department shall remove an employee's name from the  
77 registry if an arbitration or a legal proceeding results in a finding that

78 the employee was unfairly terminated from employment.

79 (g) No employer shall be liable in any civil action for damages  
80 brought by an employee or an applicant for employment whose name  
81 appears on the registry established by this section arising out of the  
82 conduct of the employer in (1) making any report in good faith  
83 pursuant to subsection (e) of this section, (2) testifying under oath in  
84 any administrative or judicial proceeding arising from such report, (3)  
85 refusing to hire or to retain any individual whose name appears on the  
86 registry established under this section, or (4) taking any other action to  
87 conform to the requirements of this section. The immunity provided in  
88 this subsection shall not apply to gross negligence or to wilful or  
89 wanton misconduct.

90 Sec. 3. Section 17a-247c of the general statutes is repealed and the  
91 following is substituted in lieu thereof:

92 (a) No employer shall hire an individual whose name appears on  
93 the registry and no employer shall retain an individual after receiving  
94 notice that an individual's name so appears.

95 (b) The department shall, on at least a semiannual basis, issue a  
96 notice to employers containing the name of each individual placed on  
97 the registry and the identifying information pertaining to such  
98 individual as provided in subsection (d) of section 17a-247b, as  
99 amended by this act.

100 Sec. 4. Section 17a-247e of the general statutes is repealed and the  
101 following is substituted in lieu thereof:

102 The Department of Mental Retardation shall adopt regulations, in  
103 accordance with the provisions of chapter 54, to implement the  
104 provisions of sections 17a-247b to 17a-247e, inclusive, as amended by  
105 this act.

106 Sec. 5. This act shall take effect from its passage.

**PH**    **Committee Vote:**   Yea   25    Nay   0    JFS